IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.178 OF 2007
FROM
NOTICE OF MOTION NO. OF 2007
IN
S.C. SUIT NO.787 OF 2007
WITH
CIVIL APPLICATION NO.262 OF 2007

Shri Sushil Ratanlal Morarka ...Appellant

Versus

State of Maharashtra ...Respondent

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Mr.Rama Swami with Mr.Vijay Kumar Aggarwal i/b M/s.K.V.Aiyar & Associates for Appellant.

None for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 8, 2007.

P.C.

1. The argument of the Counsel that blanket order be passed against the Authority not to proceed against any property belonging to the Appellant cannot be entertained for more than one reason. The first reason is that, that is not the

relief claimed in the Notice of Motion. The Notice of Motion is confined to relief in relation to warrant of attachment Exhibit H which is to dispose of the properties referred to therein such as colour T.V. Samsung, wooden bed, wooden sofa, table, cupboard, ceiling fan, air-conditioner, fridge, sofa, sofa chair, teapoy, chairs and Godrej Cupboard. It is therefore not open to canvass the point which travels beyond the relief claimed before the Trial Court.

2. Besides, insofar as the properties referred to in prayer clause (a) of the Notice of Motion, Appellant is not able to produce any document to even remotely suggest that the said properties are of private ownership. If it is so, there is no question of entertaining the prayer for ad-interim relief as pressed. Hence, this Appeal should fail. The same is dismissed.

3. It will be open to the Appellant to produce documents before the Trial Court which may be taken into account by the Trial Court to pass appropriate orders as may be advised.

4. In view of the above, companion Civil Application stands disposed of.

A.M.KHANWILKAR, J.